ευν

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/615,398	07/09/2003	Andrej Pietschker	1454.1470	8465

21171   7590   09/26/2006

STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER
RAYMOND, EDWARD

ART UNIT	PAPER NUMBER
2857	

DATE MAILED: 09/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 September 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-15* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-15* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *09 July 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date *20050916, 20030709*.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 101

1.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2.   **Claims 1-15** are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claim refers to a method of producing a runtime log without specifying a tangible result.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4.   **Claims 1-15** are rejected under 35 U.S.C. 102(e) as being anticipated by Bhat.

Bhat teaches a method for analyzing a system, comprising: producing a runtime log in Extensible Markup Language (Claims 1, 14 and 15: see col. 5, lines 23-30), the runtime log containing information about an event during the operation of the system (Claims 1, 14 and 15: see col. 7, lines 16-34).

Bhat teaches a method according to claim 1, wherein the runtime log contains a number of events and a partial sequence of events is described using the runtime log (Claim 2: see col. 4, lines 8-12).

Bhat teaches a method wherein the partial sequence of events is described using a Happened-Before-Relation (Claim 3: see col. 3, lines 55-65: The Examiner notes that the logging service can be configured to determine if an event has occurred in the past).

Bhat teaches a method wherein said generating includes details of first parameters of an event in the runtime log to at least one of identify the event and indicate whether the event is a local event (Claim 4: see col. 4, lines 8-24: The Examiner notes that the events occurring at the client computer is equivalent to a local event).

Bhat teaches a method wherein said generating includes details of second parameters of a system component initiating the event, by which the system component can be identified (Claim 5: see col. 4, lines 52-60).

Bhat teaches a method wherein the system component at least one of receives and sends a message (Claim 6: see Figure 3: Receive Log Request 340).

Bhat teaches a method wherein said generating includes details of third parameters of the message in the runtime log to identify the message (Claim 7: see 4, lines 52-60).

Bhat teaches a method further comprising verifying the runtime log for correct XML syntax (Claim 8: see col. 5, lines 23-30).

Bhat teaches a method further comprising processing the runtime log by Extensible Style-Sheet Language Transformation resources (Claim 9: see col. 5, lines 23-30).

Bhat teaches a method wherein said processing by the Extensible Style-Sheet Language Transformation resources includes application of a filter function (Claim 10: see col. 7, lines 55-60).

Bhat teaches a method wherein said processing by the Extensible Style- Sheet Language Transformation resources generates a modified runtime log in XML from the runtime log (Claim 11: see col. 5, lines 23-30).

Bhat teaches a method wherein said processing by the Extensible Style- Sheet Language Transformation resources includes application of a visual display function (Claim 12: see col. 4, lines 52-64).

Bhat teaches a method wherein a number of Extensible Style-Sheet Language Transformation resources are used, which can be combined and executed in any sequence (Claim 13: see col. 5, lines 23-30).
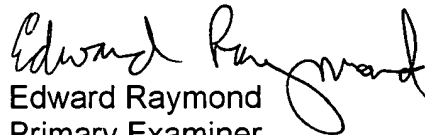
Contact Information

5.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward Raymond whose telephone number is 571-272-2221. The examiner can normally be reached on M-F 8:30-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc Hoff can be reached on 571-272-2216. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Edward Raymond
Primary Examiner
Art Unit 2857

er